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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,370	04/23/2001	Randy C. Wied	CMD 216X	2513

22222 7590 02/28/2003

GEORGE R CORRIGAN  
5 BRIARCLIFF COURT  
APPLETON, WI 54915

EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
3721	

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/840,370	WIED ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2002.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-21 and 23-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-6 and 22, in Paper No. 10 is acknowledged.
2. Claims 7-21 and 23-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10.

### ***Drawings***

3. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because there is no distinction between the first and the second module; therefore, it is unclear whether or not the first and second converting stations are performing the same or different conversion function.

Claim 2 is vague and indefinite because there is no distinction between the first, the second and the third module; therefore, it is unclear whether or not the first, second and third converting stations are performing the same or different conversion function.

Claim 3 is indefinite because there is no distinction between the second and the third station; therefore, it is unclear whether or not the second and the third converting stations are performing the same or different conversion function since the second converting station can be the cross sealer station and so can the third station.

Claim 6 is indefinite for the dependency of the claim is unclear. The examiner will examine claim 6 as if the claim depends on claim 1.

Claim 22 lacks proper antecedent basis. It is unclear as to what second movable draw roll assembly and a second edge sensor applicant is referring to when the first movable draw roll assembly and a first edge sensor have not been set forth in the previous claim. It is unclear as to the structural/functional relationships between the draw roll assembly, the edge sensor and the modules set forth in claim 1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 and 22, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Todd et al. (US 6,247,293).

With respect to claims 1-4, Todd discloses a modular packaging machine (10) including: a controller (15); an infeed station (4); a bottom seal station (32); a side seal station (38); and a cutting station (46); wherein each of the station is capable of interfacing with previous or

Art Unit: 3721

subsequence sections as needed such that the controller (15) is operatively connected to each of the stations in order to coordinate the speed of the motors in each of the stations (column 3, lines 13-34).

With respect to claim 5, since each of the stations can be operated separately or together; therefore, it is understood that each station must have its own power connector and the power supply to each of the station must be provided in parallel connection from the same power source.

With respect to claim 6, as common user interface is inherent for inputting a desire operational speed.

With respect to claim 22, the machine (10) of Todd further includes a draw rolls (30), and an infeed sensor (68) for sensing registration marks (62) provided along the bottom edge of the web (14) in order to adjust the motor (70) in order to match the desired speed (column 8, lines 52-67).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 22 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Todd et al. (US 6,247,293).

The machine (10) of Todd further includes a draw rolls (30), and an infeed sensor (68) for sensing registration marks (62) provided along the bottom edge of the web (14) in order to

adjust the motor (70) in order to match the desired speed (column 8, lines 52-67). Although the infeed sensor (68) is not for sensing the edge of the web (14), it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the machine of Todd by having provided the registration marks closer to the edge of the web so that the infeed sensor could be utilized to sense both the location of the bottom edge of the web in order to adjust the height of the seal bars as well as location of the sealing distance in order to adjust the web infeed speed.

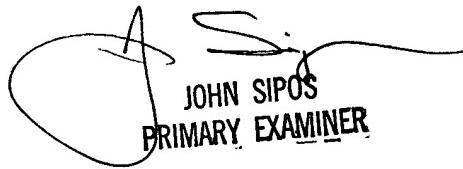
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



JOHN SIPOS  
PRIMARY EXAMINER

LH  
February 23, 2003